

## REMARKS

Claims 1-26 were presented and examined. In response to the Office Action, Claims 1, 15, and 23-26 are amended, no claims are cancelled, and no claims are added. Applicants respectfully request reconsideration in view of the foregoing amendments and the remarks that follow.

### **I. Claims Rejected Under 35 U.S.C. § 103**

**Claims 1-5, 11-14, 23, and 25** are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication 2002/0009137 filed by Nelson, et al. ( "Nelson") and in view of U.S. Patent 5,416,510 to Lipton, et al. ( "Lipton") and in further view of U.S. Patent 6,574,423 issued to Oshima, et al. ( "Oshima").

With respect to § 103(a) rejection of claim 1, claim 1 is amended to recite the elements of *"the encoding means determines a field of a sub-layer of the four streams of right and left-eye images based on disparity estimation of a main layer of the four streams of right and left-eye images and motion estimation of an enhancement layer of the main layer"* (emphasis added). Support for the amendments may be found, for example, on page 14, lines 33-35 of the Specification. The Examiner has not cited and Applicants are unable to discern the portion of the cited art that allegedly teaches or suggest the above cited elements. For example, although Nelson does disclose a disparity and motion based prediction, these operations are only performed for encoding *the right video stream* instead of "a field of a sub-layer of *the four streams of right and left-eye images*," (emphasis added) as recited in amended claim 1. See Nelson, paragraph [0134].

Moreover, the Examiner has not cited and Applicants are unable to discern the portion of Lipton that allegedly teaches or suggests the above cited elements in amended claim 1. Further, Oshima fails to teach or suggest the above cited missing elements. The Examiner has relied upon Oshima to show that the elements related to generating four streams of right and left-eye images are met. In particular, Oshima discloses that "a right-eye signal 97 and a left-eye signal 98 are entered in a recording device 99 . . . [b]eing of interlace signals, in every 1/60 second, *odd field signals 72a, 72b and even field signals 73a, 73b* are entered . . . [and] [t]he signals are

combined in combining units 101a, 101b, and transformed into frame signals 102a, 102b in every 1/30 second” (emphasis added). See Oshima, column 12, lines 35-40. However, this portion of Oshima fails to disclose elements related to determining “a field of a sub-layer of the four streams of right and left-eye images based on disparity estimation of a main layer of the four streams of right and left-eye images and motion estimation of an enhancement layer of the main layer,” as recited in amended claim 1. Thus, in view of at least the foregoing reasons, Nelson in view of Lipton in further view of Oshima fails to teach or suggest each element of amended claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

With respect to dependent claims 2-5 and 11-14, these claims are patentable over the cited art because each of these claims depends on amended claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 2-5 and 11-14 are respectfully requested.

With respect to independent claims 23 and 25, these claims are amended to recite analogous elements to those discussed above in connection with amended claim 1. Therefore, amended claims 23 and 25 are patentable over the cited art for at least the reasons discussed above. Accordingly, reconsideration and withdrawal of the rejection of claims 23 and 25 are respectfully requested.

**Claim 13** is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Lipton in view of U.S. Patent 6,614,936 to Wu, et al. (“Wu”) and in further view of U.S. Oshima. **Claims 6-10** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Lipton and Oshima, and further in view of Wu. **Claims 15, 19, 22 and 24** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Wu. **Claims 16-18, 20-21, and 26** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Oshima, and further in view of Lipton.

In regard to claims 6-10, these claims are patentable over Nelson in view of Lipton and Oshima because each of these claims depends on amended claim 1. Further, the Examiner has not cited and Applicants are unable to discern the portion of Wu that teaches or suggests the

missing elements. Thus, claims 6-10 are patentable over the cited art. Accordingly, reconsideration and withdrawal of the rejection of claims 6-10 are respectfully requested.

With respect to the § 103(a) rejection of claim 13, this claim depends on claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in connection with claim 1, Nelson in view of Lipton and Oshima fails to teach or suggest each element of claim 13. Further, the Examiner has not cited and Applicants are unable to discern the portion of Wu that teaches or suggests the missing elements. Consequently, for at least these reasons, claim 13 is patentable over the cited art. Accordingly, reconsideration and withdrawal of the rejection of claim 13 are respectfully requested.

With respect to the § 103(a) rejection of independent claims 15 and 24, these claims are amended to recite analogous elements to the amendments discussed above in connection with claim 1. Therefore, in view of the reasons discussed above for amended claim 1, Nelson fails to teach or suggest each element of amended claims 15 and 24 as well. Moreover, the Examiner has not cited and Applicants are unable to discern the portion of Wu that teaches or suggests the missing elements. Further dependent claims 19 and 22 are patentable over the cited art because each of these claims depends on amended claim 15. Thus, claims 15, 19, 22 and 24 are patentable over Nelson and Wu. Accordingly, reconsideration and withdrawal of the rejection of claims 15, 19, 22 and 24 are respectfully requested.

With respect to the § 103(a) rejection of dependent claims 16-18, 20 and 21 each of these claims depends on base claim 15 and incorporates the limitations thereof. Thus, for at least the reasons discussed in connection with claim 15, Nelson fails to teach or suggest each element of claims 16-18, 20 and 21. Moreover, Applicants are unable to discern and the Examiner has failed to cite the portion of Oshima and Lipton that teaches or suggests the missing elements. Consequently, for at least these reasons, claims 16-18, 20 and 21 are patentable over the cited art. Accordingly, reconsideration and withdrawal of the rejection of claims 16-18, 20 and 21 are respectfully requested.

Finally, with respect to independent claim 26, claim 26 is amended to recite analogous elements to the amendments discussed above in connection with claim 1. Thus, for the reasons discussed in connection with amended claim 1, amended claim 26 is patentable over Nelson, Oshima and Lipton as well. Accordingly, reconsideration and withdrawal of the rejection of claim 26 are respectfully requested.

### **CONCLUSION**

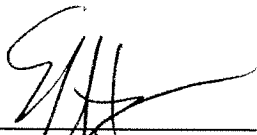
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

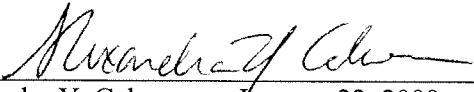
Dated: 1/22, 2009

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800

  
\_\_\_\_\_  
Eric S. Hyman, Reg. No. 30,139

### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office on the date indicated below.

  
\_\_\_\_\_  
Alexandra Y. Caluen January 22, 2009